

**From:** Dave Gardner  
**To:** Microsoft ATR  
**Date:** 1/24/02 8:13pm  
**Subject:** Microsoft Settlement

I strongly urge the Justice Department to summarily reject Microsoft's own offer for a settlement to the successful anti-trust and monopoly judgement, and instead come up with a settlement that will properly punish Microsoft for their unfair and monopolistic practices, one that will quash the monopoly, as was intended when the anti-trust laws were drafted and put into effect so long ago.

Microsoft's own solution (to be fined a minuscule amount in proportion to their crimes, and to provide the country's schools with copies of Microsoft products and used computers) would only serve to further extend Microsoft's monopoly into an area where they have long been excluded. These copies of Microsoft products (presumably their operating systems and application software) would be counted at or near full retail cost. It actually costs a fraction of that amount for Microsoft to create and distribute compact discs to schools, and this negates the true value of this portion of their penalty. Too, the children in these schools (and their teachers as well) would be forced, and conditioned, into using Microsoft products to the exclusion of all else, and would of course become future full-price Microsoft customers.

This is hardly punishment. It's more like handing Microsoft the keys to the country's cash box, and walking away.

For a financial penalty, I propose that Microsoft be fined quite heavily, in true proportion to the crimes of which it has been convicted. I also propose that all of the consumers who have for years not been given a choice while purchasing hardware, being forced to purchase a copy of Microsoft Windows, to be given the power to have their money refunded in full.

I also propose that Microsoft be split into two distinct companies, one responsible for maintaining and developing their operating systems (and hopefully paying some attention to an issue they've long neglected, to the detriment of the very customers they have so haughtily trod upon over the years: security), and another company responsible for application software. These two companies should not be able to act in concert, or as one, to maintain and extend the Microsoft monopoly, and should be prevented from requiring hardware makers to pre-install Windows products on their hardware. Further, the operating system company should not be allowed incorporate any of the application company's software into the operating system, or to provide anti-competitive "secret" hooks into the operating system that make their application software run better than that of their competitors, as has been Microsoft's standard practice for years.

This is the only way that consumers can be offered a free choice between

the various pieces of application software, operating systems, and even computer hardware, in existence today. That's all the consumer is looking for here: the freedom to decide what they will buy and use, a freedom that exists in almost every aspect of our great society save for the personal desktop and server computer industry. And that's precisely what Microsoft's illegal monopoly has been preventing the consumer from attaining for decades.

Thank you for your consideration of this comment, and for the solicitation of public comments regarding the penalty phase of the Microsoft case.